

### **REMARKS**

The Office Action dated 2 November 2005 has been reviewed and the comments of the U.S. Patent Office have been considered. By this amendment, claims 1, 12, 14, 16, 17, and 21 have been amended and claims 2-11, 13, 15, 18-20, and 22-29 remain as originally filed. Thus, claims 1-29 are presented for further consideration.

Applicant gratefully acknowledges the indication of allowable subject matter set forth in dependent claims 12, 14, 17, 21, 25, and 27. By this amendment, claims 12, 14, 17, and 21 have been rewritten in independent form. Claim 17 has been amended to provide proper antecedent support for "second optical assembly."

Claim 16 has been amended to provide proper claim dependency.

Claims 1-11, 13, 15-16, 18-20, 22-24, 26, 28, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,603,095 to Hamann in view of U.S. Patent 6,635,847 to Horsting. Applicant respectfully traverses this rejection as applied.

First, Horsting does not qualify as prior art because it is not "by another" as required by 35 U.S.C. § 102(e). Moreover, under 35 U.S.C. § 103(c), the present invention and Horsting are commonly assigned and therefore cannot be used to preclude patentability. Therefore, the § 103 rejection relying on the combination of Hamann in view of Horsting cannot be maintained.

Second, to the extent that the published application of Horsting, US 2003/0024910, may qualify as prior art, the combination of Hamann and the published application would fail to teach or suggest the claimed inventions. Independent claim 1, as amended, and independent claim 22 are directed to laser machining systems. Each laser machining system includes either, *inter alia*, "an optical element that reflects the first portion of laser light at an angle relative to the first axis towards the light source and the second portion of laser light passes through the optical element along the first axis" or "means for directing the first portion of the light at an angle relative to the first axis towards the light source and the second portion of light away from the light source along the first axis." Neither Hamann, nor the published application, shows or describes a laser machining system that reflects the first portion of laser light at an angle relative to the first axis towards the light source.

Moreover, neither reference teaches or suggests modifying the system so that a first portion of laser light is reflected at an angle relative to the first axis towards the light source. For at least this reason, independent claims 1 and 22 are allowable.

Claims 2-11, 13, 15, 16, 18-20, and 23-29 depend either directly or indirectly from one of independent claims 1 and 22 and are therefore allowable for at least the same reasons as the independent claims from which they depend, as well as for their additionally recited subject matter.

**CONCLUSION**

In view of the foregoing amendments and remarks, reconsideration of the application and timely allowance of pending claims 1-29 is respectfully requested.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 08-1641. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

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Respectfully submitted,



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